

MEMO ENDORSED**BATESCAREY**LLPJonathan R. Walton
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October 31, 2024

VIA E-FILINGHon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Courtroom 443
New York, NY 10007USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/31/24**Re: Arch Specialty Insurance Company v. Project Renewal, Inc.**
Civil Action No.: 1:23-cv-10889-VEC

Dear Judge Caproni:

We respectfully submit this joint letter requesting an order staying proceedings in this case while the parties pursue a resolution of this matter.

This is an insurance coverage dispute concerning the potential availability of coverage for a lawsuit, captioned *Ashleigh Skyers v. Project Renewal, Inc., et al.*, Index No. 20584/2019E, pending in the Supreme Court of the State of New York, County of Bronx (the “Underlying Lawsuit”). On September 25, 2024, Plaintiff Arch Specialty Insurance Company (“Arch”) filed a motion for summary judgment in this action seeking a declaration that the Arch policy’s Fungi and Bacteria Exclusion precludes coverage for the Underlying Lawsuit. On September 27, 2024, the Court ordered Defendant Project Renewal, Inc. (“Project Renewal”) to take a deposition of an Arch witness no later than October 31, 2024 and file an opposition to Arch’s motion for summary judgment no later than December 6, 2024.

The parties wish to defer further proceedings in this matter, including the Arch witness deposition and briefing of Arch’s motion for summary judgment, while the parties pursue a potential resolution of this matter. The parties are currently engaged in discussions concerning pathways for bringing both this matter and the Underlying Lawsuit to a full and final resolution. Arch has been advancing Project Renewal’s costs to defend the Underlying Lawsuit, subject to the Arch policy terms and conditions and Arch’s claims and defenses in this action, including its right of recoupment, and will continue to do so through the stay of proceedings. The parties believe the proposed stay is appropriate in this case to avoid potentially unnecessary litigation costs and to provide the parties the necessary time to continue their efforts to bring both this matter and the Underlying Lawsuit to a full and final resolution. Accordingly, the parties respectfully request entry of a stay of all deadlines, with the parties to provide the Court with a status update on these discussions by April 30, 2025.



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Thank you for the Court's attention to this matter.

Very truly yours,

/s/ Jonathan R. Walton

Jonathan R. Walton

/s/ Gregg D. Weinstock

Gregg D. Weinstock

/s/ Evan S. Schwartz

Evan S. Schwartz

Application GRANTED. This case is STAYED.

Plaintiff's Motion for Summary Judgment is DISMISSED without prejudice. The Clerk of Court is respectfully directed to terminate the open motions at Dkts. 25 and 31.

The parties must provide a joint status report by no later than April 30, 2025. If the parties have failed to reach a resolution by that date, the letter must also propose a schedule to finish discovery and for summary judgment briefing.

SO ORDERED.

10/31/2024

A handwritten signature in blue ink, reading 'Valerie Caproni'.

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE